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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,917	12/22/2000	Antonieta Grasso	D/A0034	3973

7590 07/15/2005

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,917

Applicant(s)

GRASSO ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12, 14, 25, 27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 14, 25, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is in response to amendment filed 05/02/05.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 14, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chislenko et al. (US 6092049) (Chislenko) in view of Hosken (US 6438579).

Regarding claim 10, Chislenko discloses: a system for providing item recommendations comprising: a memory (12, fig. 4, Chislenko);

A device, responsive to a user request, for recording an item on a hardcopy medium (col. 14, lines 7-10, Chislenko);

wherein the memory stores user profiles for users of the system (102, fig. 3), wherein each user profile includes a set of user preferences pertaining to items and

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wherein the processor, responsive to the record item, updates the user's profile with the implicit rating of the record item (col. 3, lines 4-67 and col. 7, lines 58-60);

wherein the processor further stores a representation of the recorded item in memory and determines an item similarity for the recorded item with other items stored in the memory (104, fig. 3, Chislenko); by comparing the stored representation of the recorded item with the stored representations of other recorded items stored in the memory (106, fig. 3, Chislenko);

wherein the processor characterizes content of the recorded item using linguistic tools and wherein the processor determines an item to item similarity between two recorded items by calculating a sum of weights of keywords in common divided by a sum of weights of all keywords associated with the two recorded items (col. 19, lines 55-60, Chislenko).

However, Chislenko didn't disclose: wherein recording the item on a hardcopy medium comprises an implicit rating for the item by the user. On the other hand, Hosken discloses: wherein recording the item on a hardcopy medium comprises an implicit rating for the item by the user (col. 7, lines 31-50, Hosken). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein recording the item on a hardcopy medium comprises an implicit rating for the item by the user in the system of Chislenko as taught by Hosken. The motivation being to enable the system provides the implicit collaborative data obtained from a user's self-directed actions of reviewing and considering different media content items. Thus, the selection of items to review and the length and nature of the consideration of

such items inferentially reflects the user's relative interest in particular content items (col. 3, lines 16-32, Hosken).

In addition, Chiskenko/Hosken discloses: a processor, for storing ratings of items and for generating recommendations for new items based on recommendation criteria (col. Col. 6, lines 33-50, Hosken); wherein, responsive to the recording of the item on a hardcopy medium, the processor stores the implicit rating for the recorded item in the memory (102, fig. 3), determines whether, based on the implicit rating for the recorded item and the recommendation criteria, to generate an item recommendation, and if the criteria for generating a recommendation is met, generates a recommendation of the new item (col. 7, lines 1-30, Hosken);

As per claims 12 and 27, all the limitations of these claims have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above. In addition, Chiskenko/Hosken discloses: wherein the processor generates a historical linguistic user profile for each user comprising a list of terms extracted from user recorded items and frequency of occurrence of such extracted terms (col. 12, lines 64 to col. 13, lines 9, Chiskenko) and wherein the processor generates a current linguistic user profile for each user comprising a list of terms extracted from user records items with terms being weighted by a damping coefficient, as recited in claims 12 and 27 (col. 9, lines 34-50, Chiskenko).

As per claims 14 and 29, all the limitations of these claims have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above. In addition, Chislenko/Hosken discloses: wherein the processor characterizes content of the

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recorded item using linguistic tools, wherein the processor generates a linguistic user profile for each user comprising a list of terms extracted from user recorded items and frequency of occurrence of such extracted terms and wherein the processor determines an overlap between a user's linguistic profile and a recorded item's linguistic content characterization (col. 13, lines 10-25, Chislenko).

As per claim 25, all the limitations of this claim have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above.

1. Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bobrow et al. (U.S 6562077). Sorting image segments into clusters based on a distance measurement.

Adler et al. (U.S 6651218). Dynamic content database for multiple document genres.

Adler et al. (U.S 6675356). Distributed document-based calendaring system.

Pedersen et al. (U.S 5483650). Method of constant interaction time clustering applied to document browsing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

2. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
July 1, 2005

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER